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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,757	01/14/2004	Steven Maddocks	200315416-1	4254

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HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,757

Applicant(s)

MADDOCKS ET AL.

Examiner

Tammara R. Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18, 21, 22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18, 21, 22, 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Restriction Arguments

Claims 12-18 and 25-33 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 21, 22, and 24, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because some of the claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 04/19/07 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claims 1-11, 19, and 20 are directed to the invention(s) of Species 1, claim 1-11 are directed to an automated storage system including data access

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drives and transfer robotics; a plurality of interface controllers operatively associated with the data access drives and transfer robotics; an interface manager communicatively coupled to each of the plurality of interface controllers; and computer-readable program code provided in computer-readable storage at the interface manager, the computer-readable program code aggregating configuration information for the data access drives and transfer robotics and Species 3, claims 19 and 20 are directed to an automated storage system comprising: control means for controlling a plurality of system devices in the automated storage system; software means for aggregating configuration information for the control means; and interfacing means for interfacing between the control means and the software means, has not require all the limitations of an allowable product claim, and claims 1-11, 19, and 20 has NOT been rejoined.

Applicant amended the claims 2/16/07 and Applicant's currently argues the right to rejoin cancelled claims 1-11, 19, and 20, if the Examiner should withdraw the Restriction Requirement dated January 17, 2007 based on the improper identification of claims as being species. Examiner is maintaining that Restriction.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-17, 25, 26, 28, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Dimitroff, (US 6,212,606).

As per claims 12, 13, 25, 32, 33, Dimitroff teaches an interface manager for use in a storage system, comprising:
at least a first port (Fig. 1) to communicate with controllers (device controllers, 112, 114, Fig.2, col. 2, lines 35-55) operatively associated with storage system devices (118, Fig. 1) of the storage system;
at least one network port (Fig. 1, col. Col. 2, lines 28-33) to communicate with a host (106, Fig. 1) external to the storage system; and at least one control (part of the host) element to: receive device information from the controllers, generate at least one logical map (of the devices connected on the network and each devices share-ability) based on the received device information, and assign the at least one logical map to the host to allow the host to access one or more of the storage system devices. (col. 2, lines 57– col. 5, lines 1-67)

As per claims 14-17, and 28, Dimitroff teaches propagating management commands, routing and formatting transactions, and scheduling access for the host and device controllers via a plurality of distinct parameters of the storage devices wherein the distinct parameters comprises a security parametric, an access parametric, an availability parametric, an ownership

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parametric, and a management parametric.

As per claim 26, Dimitroff teaches wherein the received device information includes at least one of numbers and types of storage system devices connected to the controllers, and capacities of storage system devices in the storage system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 21, 22, 24, 27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitroff, (US 6,212,606) and Yung et al., (US 2004/0032430A1).

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As per claims 18, 21, 22, 24, 27, and 29-31, Dimitroff teaches a storage network comprising:

an automated storage system including data access drives and the interface manager to generate a logical map of the automated storage system based on aggregating configuration information for the data access drives and a device manager to communicate with the plurality of interface controllers.

However, Dimitroff is silent in respect to the at least one control element includes a management application program interface (API) to generate management commands for the controllers and wherein the management API schedules access to data access drives and transfer robotics.

Nonetheless, Yung teaches a plurality of interface controllers operatively associated with the data access drives and transfer robotics (Yung, [0008, 0011-0014, and 0037]; an interface manager communicatively coupled to each of the plurality of interface controllers, a storage system based on aggregating configuration information for the data access drives and transfer robotics; [0011-0014, 0055, and 0071, 0072]) and a pipeline [0049, 0050] provided as computer readable program code in computer-readable storage at the interface manager, the pipeline including: a command router to format transactions for the interface controllers; a management application program interface (API) [0037 and 0094] to generate management commands for the plurality of interface controllers; and a device manager to communicate with the plurality of interface controllers

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It would have been obvious to one of ordinary skill at the time the invention was made that to implement Yang's pipeline configuration and utilizing API generate management commands for the plurality of interface controllers; and a device manager to communicate with the plurality of interface controllers for data access drives and transfer robotics into Dimitroff's storage network system because doing so would provided improved communication with network devices using Yang's common user interface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh, can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window

Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202Crystal Park II,
2121.

TAMMARA PEYTON
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written in black ink.

Tammara Peyton

July 15, 2007